

June 8, 1940.

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

900,
Mr. K. C. Kartchner,
Acting State Game Warden,
Capitol Annex,
Phoenix, Arizona.

Dear Sir:

We have your letter of June 8th in which you state:

"The question has arisen as to whether or not this Department can allow Travel and Subsistence for the personnel in excess of sixty dollars (\$60.00) during any one month to any one man. We quote from the Arizona Game and Fish Laws, Chapter 84, Section 7, Session Laws 1939, concerning the salary and travel expenses of our Deputy Game Wardens: 'they shall be paid their actual and necessary traveling expenses incurred in the performance of their duties, not exceeding sixty dollars during any one month.'"

"It appears to us that the above statement applies clearly to only Deputy Game Wardens. Their duties are also outlined in the code.

"In the operation of our Division of Federal Aid, it frequently occurs that the nature of the work demands travel, the expense of which would be in excess of sixty dollars per month.

"Law enforcement is not conceived as being a part of the duties of personnel employed in this Division. Their work is scientific investigation and development of areas for wildlife restoration in accordance with the provisions of Chapter 51, Session Laws 1939, which provides for the operation of the Federal Aid in wildlife restoration in this State.

"We will appreciate having your opinion on this question."

It is our opinion that the limitation on the amount of monthly travel expenses contained in Section 7, Chapter 84, Laws of 1929, which reads in part as follows:

"* * * The commission shall fix the salaries of the deputy wardens, provided however, that they shall not receive more than one hundred eighty dollars per month during their first two years of service, nor more than two hundred dollars per month for their second to fourth years, nor more than two hundred twenty dollars for their fourth to sixth years in the department, and

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special deputies shall receive not more than one hundred fifty dollars per month; provided further, that they shall be paid their actual and necessary traveling expenses incurred in the performance of their duties, not exceeding sixty dollars during any one month. The salaries and expenses of the deputies shall be paid out of the game and fish protection fund."

applies only to deputy game wardens and does not apply to other employees or personnel of the game department who are required to incur travel expenses in the performance of their duties.

Very truly yours,

JOE CONWAY,
Attorney General.

EARL ANDERSON,
Special Assistant
Attorney General.

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